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BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
CHARLES G. ROBSON,)
Appellant,)
v.)
MASON COUNTY,)
Respondent.)

SHB No. 79-3
FINAL
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the request for review of a condition of a substantial development permit issued by Mason County, came before the Shorelines Hearings Board, Dave J. Mooney, Chairman, Chris Smith, William A. Johnson, Rodney Kerslake, and David Akana (presiding) at a hearing on June 11, 1979, in Lacey, Washington.

Appellant was represented by his attorney, Robert W. McKisson; respondent was represented by John H. Buckwalter, Deputy Prosecuting Attorney.

Having heard the testimony, having examined the exhibits, and having considered the contentions of the parties, the Shorelines

DA/co

1 Hearings Board makes these:

2 FINDINGS OF FACT

3 I

4 On October 2, 1978, appellant applied for a substantial development
5 permit to construct a 62 foot long private dock and float (hereinafter
6 "structure") upon tidelands fronting his waterfront summer home on the
7 north shore of Hood Canal, four miles from Belfair Park. Hood Canal
8 is a shoreline of state-wide significance. On January 8, 1979, the
9 County approved the application with the condition that the dock and
10 float extend no farther into the water than an adjoining 30 foot long
11 dock and float. Appellant appealed the condition limiting the length
12 to 30 feet.

13 II

14 Appellant desires a 62 foot long structure for his personal summer
15 use of two boats. The beach at the site is shallow and long. At
16 such length, the float, located at the zero foot tide, would be in
17 the water for most of the year and provide better access to boats
18 than a 30 foot long dock and float. Appellant feels buoys are not
19 a practical alternative. Since 1968, appellant has used the adjacent
20 30 foot long dock and structure by permission of its owner to reach his
21 boat which was moored to a beer keg float.

22 III

23 There are other longer docks in the county, some commercial,
24 some community and some individual. There is a private 75 foot long
25 dock constructed by individuals about one year ago across the canal
26 from appellant's location.

27 FINAL

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

1 The County allowed a structure 30 feet long rather than the requested
2 62 feet because there was an existing 30 foot long dock on the adjacent
3 property, though that structure is in disrepair. The similar length would
4 allow uniformity and reduce interference with navigation, fishing,
5 recreation, and aesthetics. On April 16, 1979, after its decision on
6 this application, and not relevant hereto, the County issued a moratorium
7 on docks and piers in the county.

8 IV

9 The Mason County Shoreline Master Program (SMP) permits piers
10 and docks in rural and urban environments. Section 16.200. A
11 specific length for a dock is not set forth in the SMP. As between
12 docks, community docks are preferred over individual docks. Section
16.200.A.1. The site in question is located in a rural environment.

14 V

15 Any Conclusion of Law which should be deemed a Finding of Fact
16 is hereby adopted as such.

17 From these Findings, the Board comes to these

18 CONCLUSIONS OF LAW

19 I

20 Substantial development permits are tested for consistency with
21 the adopted and approved master program and the provisions of the
22 Shorelines Management Act (SMA). RCW 90.58.140.2(b). The burden of
23 proof in an appeal falls upon the person challenging a local government's
24 decision on such a permit.

25 II

26 The proposed 62 foot structure is not inconsistent with the SMP,
27 sections 16.200.A.(1 and 2).

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1 DATED this 5/7 day of June, 1979.

2 SHORELINES HEARINGS BOARD

3 Dave T. Mooney
4 DAVE T. MOONEY, Chairman

5 Chris Smith
6 CHRIS SMITH, Member

7 William A. Johnson
8 WILLIAM A. JOHNSON, Member

9 Rodney Kerslake
10 RODNEY KERSLAKE, Member

11 David Akana
12 DAVID AKANA, Member

13 (Continued)

14 constitute an impediment to boat traffic and shoreline
15 trolling. Floating docks can also alter beach sand patterns
16 in areas where tides and littoral drift are significant. On
17 lakes, a proliferation of piers along the shore can have the
18 effect of substantially reducing the usable water surface.
19 Guidelines: [Sic]

20 (a) The use of floating docks should be encouraged in
21 those areas where scenic values are high and where conflicts
22 with recreational boaters and fishermen will not be created.

23 (b) Open-pile piers should be encouraged where shore
24 trolling is important, where there is significant littoral
25 drift and where scenic values will not be impaired.

26 (c) Priority should be given to the use of community
27 piers and docks in all new major waterfront subdivisions.
In general, encouragement should be given to the cooperative use of piers and docks.

(d) Master programs should address the problem of the proliferation of single-purpose private piers and should establish criteria for their location, spacing, and length. The master programs should also delimit geographical areas where pile piers will have priority over floating docks.

(e) In providing for boat docking facilities in the master program, local governments should consider the capacity of the shoreline sites to absorb the impact of waste discharges from boats including gas and oil spillage.

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27 FINAL
FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER